

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

In Re:

Joseph Cuervo and Mary E. Cuervo,

Debtor(s)

: Bankruptcy No. 17-20492-GLT
: Related to Dkt. No. 18
: Chapter 11

**ORDER CONVERTING CASE UNDER
CHAPTER 13 TO CASE UNDER CHAPTER 11**

The Debtor has moved, in accordance with *11 U.S.C. §1307*, to have this case converted to a case under chapter 11 of the Bankruptcy Code (Title 11 of the United States Code).

It is ***ORDERED, ADJUDGED*** and ***DECREED*** that:

- (1) This case is ***CONVERTED*** to a case under chapter 11.
- (2) ***On or before March 29, 2017***, the Debtor shall file a list of the names, addresses, and amount of claims of the creditors that hold the 20 largest unsecured claims, as required by *Bankruptcy Rule 1007(d)*.
- (3) ***On or before April 17, 2017***, the Debtor shall:
 - (a) File monthly financial reports for each month commencing with the date of filing of the chapter 13 case through and including the present, and continuing on a monthly basis thereafter according to the United States Trustee's guidelines;
 - (b) File a complete list of inventory;
 - (c) File an application to have counsel appointed (following all applicable rules including, but not limited to, those regarding affidavits of disinterest and notification as to customary fees charged by counsel);
 - (d) Amend all schedules to add any previously unlisted property interests and creditors;
 - (e) File a supplemental matrix which includes all postpetition, preconversion creditors which shall be captioned "Postpetition Preconversion Creditors;"
 - (f) File copies of the Debtor's federal income tax returns for the immediate

past three tax years (e.g., in 2014, Debtor must provide copies of the 2011, 2012, and 2013 tax returns);

- (g) Immediately pay any additional filing fee.
- (4) The Chapter 13 Trustee shall:
 - (a) Immediately turn over to the debtor-in-possession, or the chapter 11 trustee (if one has been appointed), all records and property of the estate under her custody and control; and
 - (b) ***On or before April 26, 2017***, file an ***Accounting*** of all receipts and distributions, together with a report on administration of the case.
- (5) **Because the Court cannot ascertain if individual chapter 11 debtors meet the definition of a Small Business Debtor, counsel for Debtor shall, within ten (10) days after conversion from a chapter 13 to chapter 11 bankruptcy, electronically notify the Court if the Debtor is a Small Business as defined in 11 U.S.C. §101(51)(C) & (D).**
- (6) ***On or before July 25, 2017***, the Debtor shall file a ***Disclosure Statement, Plan and Plan Summary***. However, if Debtor elects to be treated as a small business, ***on or before September 25, 2017***, the Debtor shall file a Disclosure Statement, Plan, and Plan Summary.

Dated: March 27, 2017



Gregory L. Addonio, Judge **cg**t
United States Bankruptcy Court

Case Administrator to serve:
Debtors
Counsel for Debtors

Ronda J. Winnecour, Esq.
Suite 3250, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

Office of the United States Trustee
Liberty Center
1001 Liberty Avenue, Suite 970
Pittsburgh, PA 15222

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Joseph Cuervo
Mary E. Cuervo
Debtors

Case No. 17-20492-GLT
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dkam
Form ID: pdf900

Page 1 of 1
Total Noticed: 2

Date Rcvd: Mar 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 29, 2017.
db/jdb

+Joseph Cuervo, Mary E. Cuervo, 8000 Sherwood Drive, Presto, PA 15142-1078
+Ronda J. Winnecour, Esq., Suite 3250, U.S. Steel Tower, 600 Grant Street,
Pittsburgh, PA 15219-2702

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 29, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 27, 2017 at the address(es) listed below:

Gary William Short on behalf of Debtor Joseph Cuervo garyshortlegal@gmail.com,
gwshort@verizon.net
Gary William Short on behalf of Joint Debtor Mary E. Cuervo garyshortlegal@gmail.com,
gwshort@verizon.net
James Warmbrodt on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as Trustee for Structured Asset Mortgage Investments II Trust 2006-AR8, Mortgage Pass-Through Certificates, Series 2006-AR8 bkgroupp@kmlawgroup.com
Larry E. Wahlquist on behalf of U.S. Trustee Office of the United States Trustee
larry.e.wahlquist@usdoj.gov
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.courtdrive.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 8